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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,048	12/01/2003	Becky Jean Gibson	260-001	2653
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LOTUS AND RATIONAL SOFTWARE				
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Newton, MA 02459				
EXAMINER				
SHIH, HAOSHIAN				
ART UNIT		PAPER NUMBER		
2173				
NOTIFICATION DATE		DELIVERY MODE		
11/28/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

### Office Action Summary

**Application No.**

10/726,048

**Applicant(s)**

GIBSON ET AL.

**Examiner**

HAOSHIAN SHIH

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1, 3-4, are pending in this application and have been examined in response to application amendment filed on 07/25/2008.
2. Claims 8, 10-11, 15, 17-18, 22 and 24 are canceled by the applicant.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 recites the limitation "**at least one** image command". There is insufficient antecedent basis for this limitation in the claim.
5. The Examiner suggests deleting the phrase "at least one".

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mag Hourihan (Hourihan, "Using JavaScript to Create a Powerful GUI), W3C HTML 4.01 specification (W3C) and Shiran (Shiran, "Creating A modal Dialog Box").**

8. As to **INDEPENDENT** claim 1, Hourihan discloses a method for creating an accessible graphical image, comprising:

providing said accessible graphical image within a graphical object (pg.2, paragraph Building a Simple Toolbar, fig.1; "creating a simple toolbar to hold three buttons"),

wherein said providing said at least one accessible graphical image includes completely generating said accessible graphical image responsive to processing a single markup language command, wherein said single markup language command is an image command (pg. 2, paragraph Using JavaScript to Manipulate Text Selections, "function format\_sel()"; pg.4, paragraph Putting it All Together With HTML, "onclick="format\_sel('b')"; "onclick" represents a mouse click event, "format\_sel('b') represent a Bold text changing command; wherein the listed functions above are within the scope of the <IMG> element),

said image command including a first attribute determining the processing of mouse click events (pg.4, "onclick" handles a click event from a mouse) , wherein said first attribute is an event handler attribute that invokes said software routine (pg.2, "format\_sel()"; pg.4, "onclick="format\_sel('b')"); operable to perform said predetermined functions associated with said accessible graphical image (pg.4, src="bold.gif"; an image file is associated with a button).

and wherein said accessible graphical image comprises a plurality of accessible graphical images , wherein each of said accessible graphical images is associated with

a respective one of a plurality of text formatting operations (pg. 2, paragraph Using JavaScript to Manipulate Text Selections, "function format\_sel()"; pg.4, paragraph Putting it All Together With HTML, "onclick=format\_sel('b')"; "onclick" represents a mouse click event, "format\_sel('b') represent a Bold text changing command), wherein said software routine operable to perform said predetermined function is further operable to perform each of said plurality of text formatting operations (pg.2, fig.1, text formatting operations such as a "bold", an "italic" and a "link" button are displayed) , and wherein said parameter passed by said first attribute to said software routine operable to perform said predetermined function associated with said accessible graphical image uniquely identifies said predetermined function associated with said accessible graphical image among said plurality of text formatting operations (pg.2, "format\_sel()"; pg.4, "onclick=format\_sel ('b')"; a user clicks on the bold text formatting button to make the selected text bold).

Hourihan does not disclose a second attribute determining the processing of accessible predetermined keyboard event, a third attribute having a parameter indicating an ordinal value to be associated with accessible graphical image and providing a modal dialog box graphical object.

In the same field of endeavor, W3C discloses a second attribute determining the processing of accessible predetermined keyboard event, wherein said first attribute is

an event handler operates to compare a keyboard event object value indicating which key was pressed (**sect 13.2; keyboard events such as “onkeypress” and “onkeydown” are attributes defined for the <IMG> element**) with a predetermined value indicating that a predetermined key other than the enter key was pressed (**sect 13.2, attribute “ismap” and “usemap”; sect 13.6.1, attribute “accesskey”; an <IMG> element contains a client side image maps attribute, wherein the client side image map attribute calls the <MAP> element and the <AREA> element that calls the “accesskey” attribute, wherein the access key attribute allows a user to assign customizable keystrokes to a given element**) and in the event that said event object value matches said predetermined value, invoking a software routine operable to perform a predetermined function associated with said accessible graphical image, and preventing further processing of the keyboard event (**sect. 17.11.2, “Access Keys”; the “accesskey” attribute allows a user to customize the desired keys to active the desired functions, when the assigned access key is pressed, the function that is associated with the access key is provide and not the actual character that is associated with the access key**).

Further, W3C discloses a third attribute having a parameter indicating an ordinal value to be associated with said accessible graphical image, wherein said ordinal value represents a relative position within an ordering of graphical images within said modal dialog box graphical object, whereby a user is allowed to access said accessible graphical image by using a keyboard action resulting in ones of said

graphical images within said modal dialog box being sequentially accessed responsive to said ordering of graphical images within said dialog box (**sect 13.2, attribute "ismap" and "usemap"; sect 13.6.1, attribute "tabindex"; an <IMG> element contains a client side image maps attribute, wherein the client side image map attribute calls the <MAP> element and the <AREA> element that calls the "tabindex" attribute**).

Further more, W3C discloses wherein said first attribute and said second attribute both pass the same parameter to said software routine operable to perform said predetermined function associated with said accessible graphical image, such that said software routine operable to perform said predetermined function associated with said accessible graphical image operates the same in response to a user pressing said enter key and in response to said user performing a mouse click (**sect. 13.2; an <IMG> element is associated with various mouse handlers and keyboard handlers such as "onmousedown", "onclick", "onkeypress" and "onkeydown"**).

W3C does not disclose a modal dialog box.

It would have been obvious to one of ordinary skill in the art, having the teaching of Hourihan *and* W3C before him at the time the invention was made, to modify the graphical object taught by Hourihan *to* include keyboard and tab events taught by W3C with the motivation being to increase the usability of the graphical object (W3C, 17.5).

In the same field of endeavor, Shiran discloses the graphical object is a modal dialog box (pg. 1; window.showModalDialog() function call).

It would have been obvious to one of ordinary skill in the art, having the teaching of Hourihan *and* W3C *and the teaching of* Shiran before him at the time the invention was made, to modify the multi-accessible graphical object taught by Hourihan *and* W3C to include a modal dialog box taught by Shiran with the motivation being to provide a program alert in response to important conditions (pg.1, paragraph 1).

9. As to claims 3, Hourihan discloses wherein said at least one image command further comprises a fourth attribute having a parameter including text associated with said at least one graphical image (pg. 4, paragraph Putting it all together with HTML; "alt" attribute). Hourihan does not specifically disclose wherein said text is accessible to a screen reader program for conversion to an audio output signal.

W3C discloses wherein said text is accessible to a screen reader program for conversion to an audio output signal (ch. 13.8 How to specify alternate text).

10. As to claim 4, Hourihan discloses wherein said at least one image command is stored within a document containing formatting information for a user interface, wherein said document is a Web page (pg.2, paragraph Building a Simple Toolbar, fig.1; pg. 4-5, paragraph Putting it All Together With HTML).



### ***Response to Arguments***

11. Applicant's arguments filed on 07/25/2008 have been fully considered but they are not persuasive.

12. Applicant argues that Hourihan, W3C and Shiran do not generate an accessible graphical image command responsive to processing a single markup language command, wherein said image command determines the processing of **keyboard events, mouse click events** and **ordinal value** represents a relative position within an ordering of the image commands.

In response to applicant's argument, Hourihan discloses an image command that manipulates text selections (pg.2, sect. "Using JavaScript to manipulate text selections) wherein functions such as "bold", "italic" and "link" and **mouse click events** such as "mouseover", "mousedown" and "onclick" are all within the scope of an <IMG> element (pg.4, line starting "<img class='button'" to line "alt='click to make your selection bold'>"). Further, W3C discloses additional events for the <IMG> element such as **keyboard events** "onkeydown" and "onkeypress" (sect. 13.2; an <IMG> element is associated with various keyboard handlers such as "onkeypress" and "onkeydown"), and **ordinal values** for tab indexing (sect 13.2, attribute "ismap" and "usemap"; sect 13.6.1, attribute

"tabindex"; an <IMG> element contains a client side image maps attribute, wherein the client side image map attribute calls the <MAP> element and the <AREA> element that calls the "tabindex" attribute).

13. Applicant argues that Hourihan, W3C and Shiran do not includes the capability of activating image commands through pressing of a key other than the enter key.

In response to applicant's argument, W3C discloses an "accesskey" attribute, wherein the access key attribute allows a user to assign customizable keystrokes to a given element (attribute "ismap" and "usemap"; sect 13.6.1, attribute "accesskey"; an <IMG> element contains a client side image maps attribute, wherein the client side image map attribute calls the <MAP> element and the <AREA> element that calls the "accesskey" attribute, wherein the access key attribute allows a user to assign customizable keystrokes to a given element; sect. 17.11.2, "Access Keys" definition).

14. Applicant argues that the Hourihan, W3C and Shiran do not disclose performing a plurality of text formatting operations, and wherein a parameter passed by both a first attribute and a second attribute of the element to the software routine that uniquely identifies a predetermined function associated with the accessible graphical image among the plurality of text formatting operations.

In response to applicant's argument, Hourihan discloses performing a plurality of text formatting operations (pg. 2, paragraph Using JavaScript to Manipulate Text Selections, "function format\_sel()"; pg.4, paragraph Putting it All Together With HTML, "onclick="format\_sel('b')"; "onclick" represents a mouse click event, "format\_sel('b') represent a Bold text changing command, wherein the listed functions above are within the scope of the <IMG> element), and wherein a parameter passed by a first attribute (pg.4, "onclick" handles a click event from a mouse) the element to the software routine that uniquely identifies a predetermined function associated with the accessible graphical image among the plurality of text formatting operations (pg.2, paragraph Building a Simple Toolbar, fig.1; "creating a simple toolbar to hold three buttons"). Hourihan does not disclose a second attribute.

W3C discloses a second attribute (sect. 13.2; an <IMG> element is associated with various mouse handlers and keyboard handlers such as "onmousedown", "onclick", "onkeypress" and on "onkeydown").

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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